

## United States District Court

NORTHERN

DISTRICT OF

CALIFORNIA

FILED

2007 DEC 12 A 9:49

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

RICHARD W. WIEKING  
CLERK  
U.S. DISTRICT COURT  
S.D. OF CALIF.

Natividad CONTRERAS-Moreno

(Name and Address of Defendant)

07-70736 PVT

CASE NUMBER:

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On a date unknown but no later than, December 6, 2007, in Santa Clara County in the Northern District of California defendant(s) was, (Track Statutory Language of Offense)

Unlawfully re-entered and was found in the United States after deportation, without the permission of the Attorney General

in violation of Title 8 United States Code, Section(s) 1326  
I further state that I am a(n) Special Agent and that this complaint is based on the following  
facts:  
Official Title

SEE ATTACHED AFFIDAVIT

PENALTIES: \$250,000.00 fine, twenty (20) years imprisonment, \$100.00 special assessment fee, and a Term of Supervised Release up to three years.

Requested bail: Issue no bail warrant.

APPROVED AS TO FORM:

ASSISTANT UNITED STATES ATTORNEY

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Signature of Complainant

Sworn to before me and subscribed in my presence,

12/12/07

Date

at

San Jose, California

City and State

PATRICIA V. TRUMBULL  
United States Magistrate Judge  
Name & Title of Judicial Officer

Signature of Judicial Officer

RE: Natividad CONTRERAS-Moreno

A26 613 266

I am a Special Agent of the United States Department of Homeland Security, Immigration and Customs Enforcement (ICE) and have been employed by that agency, since April 29, 2007. Prior to that I worked with Immigration and Customs Enforcement (ICE), Detention and Removal Operations as an Immigration Enforcement Agent for over four years where I assisted in the removal of several hundred aliens. I recently spent six months at the Federal Law Enforcement Training Center in Glynco, GA, where I received Criminal Investigator training, and Immigration and Customs Special Agent Training. I am currently assigned to the Asset Identification and Removal Group in the Oakland ICE office of investigations. In addition, I have reviewed documents from the Immigration file that were faxed to me relating to the above named individual and attest to the following:

- (1) Mr. Natividad CONTRERAS-Moreno is a forty-four (44) year-old male who has used six (6) aliases and six (6) dates of birth in the past.
- (2) Mr. Natividad CONTRERAS-Moreno has been assigned one Alien Registration number of A26 613 266, an FBI number of 892133DA7, a California Criminal Information Index number of A07831843, and an Oregon State Identification number of OR11010244.
- (3) Mr. Natividad CONTRERAS-Moreno is a native of Mexico and a citizen of Mexico. Mr. Natividad CONTRERAS-Moreno confirmed his foreign nationality, prior deportations and failure to gain permission to reenter the United States in a signed sworn statement requesting his uncontested removal to Mexico on May 14, 2007 at San Jose, CA, and made before Special Agent Misty D Miller. A check through immigration records shows that he was last removed from the United States on May 14, 2007, at Del Rio, TX.
- (4) Mr. Natividad CONTRERAS-Moreno claims he last entered the United States sometime in October 2007, by crossing the international border without inspection or permission from the United States, Attorney General or Secretary of Homeland Security subsequent to the above mentioned removal from the United States.
- (5) Mr. Natividad CONTRERAS-Moreno, on December 6, 2007 was found in the United States, in the Northern District of California. On that date Mr. Natividad CONTRERAS-Moreno, was identified through his fingerprint match through the Department of Justice and through Immigration and Customs Enforcement Automated Fingerprint Identification System (AFIS).
- (6) Mr. Natividad CONTRERAS-Moreno was on May 21, 1985, convicted in the Superior Court of California, County of San Mateo, for the offense of False Identification to a Peace Officer in violation of Section 148.9 of the California Penal Code.

RE: Natividad CONTRERAS-Moreno

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- (7) Mr. Natividad CONTRERAS-Moreno was on September 9, 1986, convicted in the Superior Court of California, County of Santa Clara, for the offense of Transport or Sell of a Narcotic or Controlled Substance, a violation of Section 11352 of the California Health and Safety Code.
- (8) Mr. Natividad CONTRERAS-Moreno was on October 18, 1990, convicted in the Superior Court of California, County of Humboldt, for the offense of Petty Theft, a violation of Section 488 of the California Penal Code.
- (9) Mr. Natividad CONTRERAS-Moreno was on February 12, 2004, convicted in the United States District Court, District of Oregon, for the offense of Eluding Examination and Inspection by Immigration Officers, a violation of Title 8 Section 1325(a) of the United States Code.
- (10) Mr. Natividad CONTRERAS-Moreno was on August 12, 2005, convicted in the United States District Court, Southern District of Texas, for the offense of Re-entry of a deported alien, a violation of Title 8 Section 1326(b)(2) of the United States Code.
- (11) The official Immigration file for Natividad CONTRERAS-Moreno is currently in transit. Record checks from CIS relating to Natividad CONTRERAS-Moreno contains two (2) Warrants of Deportation/Removal, and one reinstatement of removal. He was arrested and removed from the United States to Mexico on the following dates:

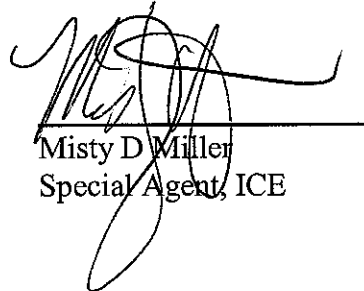
<u>DATE</u>	<u>PLACE OF DEPORTATION</u>
December 7, 1988	Calexico, CA
August 13, 2004	Otay Mesa, CA
May, 14, 2007	Del Rio, TX

- (12) There is no record indicating that Mr. Natividad CONTRERAS-Moreno that he ever applied to the Attorney General or the Secretary of Homeland Security for permission to re-enter the United States.

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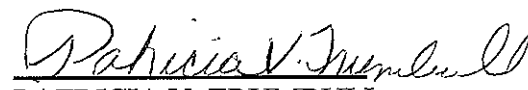
A26 613 266

- (13) On the basis of the above information, there is probable cause to believe that Mr. Natividad CONTRERAS-Moreno is in the United States in violation of Title 8 United States Code Section 1326(a).



Misty D. Miller  
Special Agent, ICE

Subscribed and sworn to before me this 12 day of December 2007.



PATRICIA V. TRUMBULL  
United States Magistrate Judge